

DeARCY HALL, J.

ORIGINAL

BLOOM, M.J.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

★ FEB 05 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

CV 19-0755

Mr. Martin C. Smallwood / 16802
Full name of plaintiff/prisoner ID#

Plaintiff,

JURY DEMAND

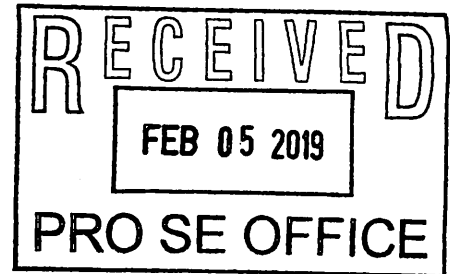
YES ☒ NO ☒

-against-

Wayne County

Enter full names of defendants
[Make sure those listed above are
identical to those listed in Part III.]

Defendants.



I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ☒ No ☒
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: Mr. Martin C. Smallwood

Defendants: New York State Do.C. Marcy

2. Court (if federal court, name the district;
if state court, name the county)

Central

3. Docket Number: _____

4. Name of the Judge to whom case was assigned: Richard M. Healy
5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)
On going investigation
6. Approximate date of filing lawsuit: 12/14/18 or 7/21/18
7. Approximate date of disposition: _____

II. Place of Present Confinement: Wayne County Jail

A. Is there a prisoner grievance procedure in this institution? Yes () No (☒)

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No ()

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not This place has very limited research in the law library.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (☒) No ()

F. If your answer is YES,

1. What steps did you take? We have, and I wrote an rewrite already.

2. What was the result? None yet, must not

give up.

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Mr. Martin Clarence Smallwood I

Address 15 maple street Lyons N.Y 14489

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Brian Schrom - Wayne County
Sheriff's Office (Deputy)

Defendant No. 2

Shane T. Blind - New York State
Police (Trooper)

Defendant No. 3

Geoffrey Governor - New York
State (Investigator)

Defendant No. 4

Ryan Braeger - New York State
Police (Trooper)

Defendant No. 5

Lyons Town Court, Judge DeJain
County Court, Judge Healy
Joseph S. Damelio, Attorney

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

On, 7/21/18 around 4:00 pm I reported being attacked, and hit in the head/back of the Head with a 2x4 to John G. Wiltsie. Was detained minutes later for unknown reason by Trooper Blind 7/26/18. Preliminary hearing held at Lucas Town court. Trooper Blind states "Because he was Black" also states was a Black man walking away. Trooper Braeger and Trooper Blind both admits to not having a reason to arrest. Pre-liminary minutes both have handwritten initial reports. Tpr. Braeger 7/21/18 at 7:20 pm - Tpr. Blind 7/21/18 at 8:32 pm. Both have change statements under oath Grand jury statement by Tpr. Braeger states he "approximately ^{came} to the area at 5:30 pm". 911 dispatch was 16.54 - Event Information - PWC 072118058 / SGT got hit in the head by 2x4 / Claim witness - Mr. Joseph E. Lampley - Found by Sgt. Investigator Callan Do / Supporting Deposition (CPL \$100.20) by Tpr. Shane T. Blind states

IV.A

If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

I had a very large contusion to backside of my head, was also stab in the right upper arm by something see pic of Dr. Zabawa on 7/21/18.

On 8/4/18 was taken to Newark Wayne hospital to check for brain damage, Patient ID # 1358979, for Rochester Regional Health. Visit # 2018-34723. People are not getting good medical here in Wayne County Jail

IV. Statement of Claim Continuation:

11/22/18

"Martin then picked up a 2x4 piece of wood and Forcefully slammed it on Martin's abdomen" / Joseph E. Lampley Change his statement up on 7/26/18 in Lyons Town Court, County of Wayne under oath claiming that Mr. Smallwood punch the man two times in the head, side, stamp him twice, then slammed the 2x4 on his abdomen" / Stated he never read the deposition or have a copy / He also did not see Mr. Smallwood in the courtroom that day / Stated (someone) Mr. Smallwood was wearing red and blue /

He then says a blackman called 911 / In his supporting Deposition on 7/21/18 at 5:33 pm to 6:18 pm States unknown black female called 911 / Signed under Penal law § 210.45 / 7/22/18 re-interviewed Mr. Lamplay - by Inv. Fuenfstueck - Inv. Sando states, did not see attacked with 2x4 or see Martin get hit with 2x4 / Sgt Gallonardo, written Deposition of Martin Smallwood at 7:07 pm Claim Miranda - 7:22 pm "a Fight I reported to make sure everyone was alright" Claim - 7:34 pm "I want to go to hospital, I got hit in the back of the head by a 2x4" 7:07 pm - "Call my lawyer

Video at State Trooper barracks Lyons N.Y with Interview by Geoffrey Governor Inv - Sgt Gallonardo / I stated you'll have kidnapped me against my Free will / gave no consent to be interviewed / (ask) was free to go, Governor ^{made} threats / was charge grand 11:15 pm by Fax or printout / D.S.S Video Tape - Faren Langworthy - Angela Switzer

see
backIV. ~~Statement Claim:~~

Jennifer VanCamp State Police at or Williamson / Interviewed Antonette Storgis stated "she came around 3pm, and that Martin came after" / also claim other people was arguing / She said Joseph E. Camplay said he saw it all, then started to reflect it over and over / Miss Storgis called 911, and stated..

S/Inv Apfelbacher interviewed Mr. Walker states "Martin being there later in the day / also states Martin and Camilo was not arguing early that day / Walker also states he went to the store that day with Camilo / also states he did not see anyone with a weapon /

Autopsy Completed at 11:01am Internal 7/22/18

laceration to backside of heart / Blood in Chest cavity + abdomen / laceration to liver at the falciform ligament / posterior left Ventricle Full thickness laceration / Split lip, Bruising of interior lip / Facility: M.C.M.E.O - Pathologist Dr. Lopez-Morell / Time of Death 5:41 pm / Abrasions to legs / Arm Pit - upper Arm - Right Shoulder / Ambulance pulls over at 17:04 / Ambulance meets up at Jims Trailer World at 17:11 / Resuming Transport to Newark Hospital at 17:20 / Was given 3 rounds of (in 6 mins) epinephrine / and continued CPR for over 30 mins / see Supporting Deposition by Trooper Fitch^{6:32} until 6:53 pm / see O.A Incident Report / Tampering with statements / evidence / witnesses / See Case Summary - Investigation Summary / see Forensic Identification Report - SP Lyons - Troop E - case 0572320 / E-FIU^{ack #1} 18-164

On November 12, 2018 Capt BCI - Troop 2 Received a report
Forensic Investigation Center Dated: Oct 31, 2018 - Lab Case
18HL-04411 - Agency Case Number: 8372320, E231-SP Lyon
Supplemental Report, by Kristine J.
Robinson Forensic Scientist III and Assist-
ant Director of Biological Science Admin-
istrative Reviewer.

Came to an (conclusion) that there was no blood on wood
Post Items A4A-C and A4D-G / also came to a conclusion that
DNA from at "least" two donors, with the major contributor
matching Camilo Robledo / Due to insufficient genetic info the
remainder of profiles are not suitable for comparison / Albany has
retained some if not most of this evidence to be stored fro-
zen from Sept 17, 2018 to Sept, 2019 if there is no further
activity on this case..

was not taken to hospital until Sept 4, 2018
for cat scan

Still have not gotten preliminary hearing was, Trial starts on 25th of Jan²⁹ 19.

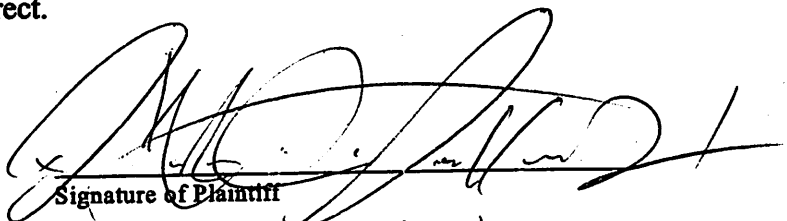
V. Relief:

State what relief you are seeking if you prevail on your complaint.

Seeking to sue for unlawful arrest, see incident report
simple assault / Corruptedness / lie on the stand under oath
without being charged / Falsifying Records / Tampering with
witnesses / putting statements in their own words / Hiding
me ~~from~~ the news + or public / Trying to impeach me
should I testify / universal Declaration of human Rights - Article 11
Article 19 - Article 15 - Article 5 and Article 29 may help
this complaint.

I declare under penalty of perjury that on 11/22/18, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the ~~Eastern~~
Western
District of New York.

Signed this 11/22/18 day of November, 2018. I declare under penalty of
perjury that the foregoing is true and correct.


Signature of Plaintiff

Wayne County Jail
Name of Prison Facility

P.O. Box 477
4005 New York 14489

Address

16802
Prisoner ID#